

## REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 24-35 have been canceled in favor of new claims 36-47. Claims 1-17 have been previously canceled. Accordingly, claims 18-23 and 36-47 are now pending.

Support for new claims 36-47 is found at least at: column 12, lines 22-30; column 21, lines 27-30; column 25, lines 4-7; column 25, lines 18-19; and column 28, line 66 to column 29, line 3.

Previously during the prosecution, i.e., in the Office Action of January 12, 2005, claims 18-23 were provisionally rejected under the doctrine of obviousness-type double patenting over claims 19-24 of copending application 09/672,948, and were indicated to be allowable over the prior art of record. On May 12, 2005, a terminal disclaimer was filed in the present application, thereby removing the obviousness-type double patenting rejection.

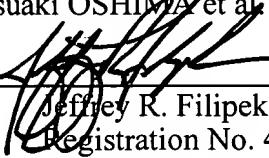
In the present amendment, claims 24-35 are amended (in the form of new claims 36-47), to include limitations similar to those found in allowed claims 18-23. Specifically, each of allowed claims 18-23 includes a recitation drawn to the feature that the first data stream has data for demodulation including the number of signal points of the constellation for the second data stream. Each of the new independent claims 36, 38, 40, 42, 44, and 46 includes a recitation that the first data stream includes information for demodulation representing the value of n of the second data stream. The prior art of record, including Nakamura, simply does not disclose or suggest such a feature.

In view of the above, and in view of the terminal disclaimer filed May 12, 2005, it is submitted that claims 36-47 are allowable. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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